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10/720,859	11/24/2003	Craig L. Reding	03-1013	5176

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2614

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,859

Applicant(s)

REDING ET AL.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-86 is/are rejected.
- 7) ☒ Claim(s) 8,22,56 and 62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/8/6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because the term "storing the audio steam" in line 1 lacks antecedent basis. Appropriate correction is required.

2. Claim 22 is objected to because the term "replaying the selected portion" in line 1 lacks antecedent basis. Appropriate correction is required. Claims 56 and 62 have the same problem.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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4. Claims 16-21 and 56-61 are rejected under 35 U.S.C. § 102(e) as being anticipated by Cruickshank, U.S. Patent No. 6,816,468 (hereinafter Cruickshank).

Regarding claim 16, Cruickshank discloses a method comprising:

establishing a conference call between a plurality of users, including an initiating user;

ascertaining identities of a plurality of destination devices for an audio stream corresponding to the conference call, the destination devices corresponding to the plurality of users;

providing the audio stream to at least one of the plurality of destination devices;

storing data contained in the audio stream; and

creating a text transcription of at least a portion of the stored audio stream data;

wherein the text transcription identifies at least one of the plurality of users based on a communication connection established with the at least one user (see Figures 5-11).

Regarding claim 17, see column 9.

Regarding claim 18, see column 9.

Regarding claim 19, see column 9.

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As for claim 20, see units 122 and 120 from Figure 1.

Regarding claim 21, see column 9.

Claim 56 is rejected for the same reasons as claim 16.

Claim 57 is rejected for the same reasons as claim 17.

Claim 58 is rejected for the same reasons as claim 18.

Claim 59 is rejected for the same reasons as claim 19.

Claim 60 is rejected for the same reasons as claim 20.

Claim 61 is rejected for the same reasons as claim 21.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 13, 24-32, 37-39, 41-48, 53, 63-72, 77-79 and 91-85 are rejected under 35 U.S.C § 103(a) as being unpatentable over Cruickshank in view of Sharman et al (hereinafter Sharman).

Regarding claim 1, Cruickshank discloses a method comprising:

establishing a conference call between a plurality of users, including an initiating user;

ascertaining identities of a plurality of destination devices for an audio stream corresponding to the conference call, the destination devices corresponding to the plurality of users;

providing the audio stream to the plurality of destination devices; and

storing data contained in the audio stream (see Figures 5-11).

With further respect to claim 1, Cruickshank does not explicitly mention selectively deleting the stored audio stream data, while the conference call is ongoing, based on a determination that a user has exited the conference call. Regardless, Sharman discloses this feature (see 410 from Figure 4). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cruickshank with the minute recording function of Sharman. This modification would have improved the efficiency of Cruickshank by avoiding the storage of excess data as suggested by Sharman (see column 9).

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As for claim 2, see column 5 of Cruickshank.

As for claim 3, see column 5 of Cruickshank.

As for claim 4, see column 5 of Cruickshank.

Regarding claim 5, see Figure 8 of Cruickshank.

As for claim 6, see units 122 and 120 from Cruickshank.

As for claim 7, see abstract of Cruickshank.

As for claim 8, see abstract of Cruickshank.

On the issue of claim 13, Cruickshank does not explicitly teach the claimed deleting and saving features. Regardless, Sharman discloses these limitations (see 410 from Figure 4). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cruickshank with the minute recording function of Sharman. This modification would have improved the efficiency of Cruickshank by avoiding the storage of excess data as suggested by Sharman (see column 9).

Claim 24 is rejected for the same reasons as claim 1.

Claim 25 is rejected for the same reasons as claim 2.

Claim 26 is rejected for the same reasons as claim 4.

Claim 27 is rejected for the same reasons as claim 5.

Claim 28 is rejected for the same reasons as claim 6.

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Claim 29 is rejected for the same reasons as claim 7.

Claim 30 is rejected for the same reasons as claim 8.

Claim 31 is rejected for the same reasons as claim 1.

Regarding claim 32, see abstract of Cruickshank.

Claim 37 is rejected for the same reasons as claim 13.

As per claim 38, see column 9 of Cruickshank.

Regarding claim 39, see Figures 5-11 of Cruickshank.

Claim 41 is rejected for the same reasons as claim 1.

Claim 42 is rejected for the same reasons as claim 2.

Claim 43 is rejected for the same reasons as claim 3.

Claim 44 is rejected for the same reasons as claim 4.

Claim 45 is rejected for the same reasons as claim 5.

Claim 46 is rejected for the same reasons as claim 6.

Claim 47 is rejected for the same reasons as claim 7.

Claim 48 is rejected for the same reasons as claim 8.

Claim 53 is rejected for the same reasons as claim 13.

Claim 63 is rejected for the same reasons as claim 1.

Claim 64 is rejected for the same reasons as claim 1.

Claim 65 is rejected for the same reasons as claim 2.

Claim 66 is rejected for the same reasons as claim 4.

Claim 67 is rejected for the same reasons as claim 5.

Claim 68 is rejected for the same reasons as claim 6.

Claim 69 is rejected for the same reasons as claim 7.

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Claim 70 is rejected for the same reasons as claim 8.

Claim 71 is rejected for the same reasons as claim 1.

Regarding claim 72, see the abstract of Cruickshank.

Claim 77 is rejected for the same reasons as claim 13.

As per claim 78, see column 9 of Cruickshank.

As per claim 79, see the abstract of Cruickshank.

Claim 81 is rejected for the same reasons as claim 1.

Claim 82 is rejected for the same reasons as claim 1.

Claim 83 is rejected for the same reasons as claim 1.

Claim 84 is rejected for the same reasons as claim 1.

Claim 85 is rejected for the same reasons as claim 1.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 9-12, 23, 33-36, 40, 49-52, 73-76, 80 and 86 are rejected under 35 U.S.C § 103(a) as being unpatentable over Cruickshank combined with Sharman in further view of Schoof II, U.S. Patent No. 5,440,624 (hereinafter Schoof).

On the matter of claim 12, nowhere does the combination of Cruickshank and Sharman mention replaying, at at least one of the destination devices, a selected portion of the audio stream. However Schoof teaches this limitation (see column 4). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Cruickshank and Sharman with the playback mode of Schoof. This modification would have improved the system's convenience by allowing an active conference participant to clarify details at anytime during an ongoing conference as suggested by Schoof (see column 4).

On the matter of claim 11, nowhere does the combination of Cruickshank and Sharman explain playing a section of the stored audio stream data for a user-selected period of time at a user-selected speed. However Schoof teaches this limitation (see column 10). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Cruickshank and Sharman with the playback mode of Schoof. This modification would have improved the system's convenience by allowing an active conference participant to clarify details at anytime during an ongoing conference as suggested by Schoof (see column 4).

On the matter of claim 10, nowhere does the combination of Cruickshank and Sharman explain playing the selected portion at a user-selected speed. However Schoof teaches this limitation (see column 10). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Cruickshank and Sharman with the playback mode of Schoof. This modification would have improved the system's convenience by allowing an active conference participant to clarify details at anytime during an ongoing conference as suggested by Schoof (see column 4).

On the matter of claim 9, nowhere does the combination of Cruickshank and Sharman explain playing a section of the stored audio stream data for a user-selected period of time. However Schoof teaches this limitation (see column 10). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Cruickshank and Sharman with the playback mode of Schoof. This modification would have improved the system's convenience by allowing an active conference participant to clarify details at anytime during an ongoing conference as suggested by Schoof (see column 4).

Claim 23 is rejected for the same reasons as claim 12.

Claim 33 is rejected for the same reasons as claim 9.

Claim 34 is rejected for the same reasons as claim 10.

Claim 35 is rejected for the same reasons as claim 11.

Claim 36 is rejected for the same reasons as claim 12.

On the issue of claim 40, the combination of Cruickshank and Sharman does not teach the claimed downloading and playing steps. However Schoof teaches this limitation (see column 4). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Cruickshank and Sharman with the playback mode of Schoof. This modification would have improved the system's convenience by allowing an active conference participant to clarify details at anytime during an ongoing conference as suggested by Schoof (see column 4).

Claim 49 is rejected for the same reasons as claim 9.

Claim 50 is rejected for the same reasons as claim 10.

Claim 51 is rejected for the same reasons as claim 11.

Claim 52 is rejected for the same reasons as claim 12.

Claim 73 is rejected for the same reasons as claim 9.

Claim 74 is rejected for the same reasons as claim 10.

Claim 75 is rejected for the same reasons as claim 11.

Claim 76 is rejected for the same reasons as claim 12.

Claim 80 is rejected for the same reasons as claim 40.

Claim 86 is rejected for the same reasons as claim 23.

9. Claims 14, 15, 54 and 55 are rejected under 35 U.S.C § 103(a) as being unpatentable over Cruickshank combined with Sharman in further view of Caspi et al, U.S. Patent Application Publication No. 2004/0249884 (hereinafter Caspi).

Regarding claim 14, the combination of Cruickshank and Caspi does not disclose the claimed playing limitation. Nonetheless Caspi teaches this limitation (see paragraph 0009). Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Cruickshank and Sharman with the playing function of Caspi. This modification would have improved the system's efficiency by allowing a reviewing party to review relevant portions of the conference as suggested by Caspi.

Regarding claim 15, the combination of Cruickshank and Sharman does not disclose the claimed recording limitation. Nonetheless Caspi teaches this limitation (see paragraph 0009).

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Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Cruickshank and Sharman with the recording function of Caspi. This modification would have improved the system's efficiency by allowing a reviewing party to review relevant portions of the conference as suggested by Caspi.

Claim 54 is rejected for the same reasons as claim 14.

Claim 55 is rejected for the same reasons as claim 15.

10. Claims 22 and 62 are rejected under 35 U.S.C § 103(a) as being unpatentable over Cruickshank in view of Schoof.

On the matter of claim 22, Cruickshank fails to teach the claimed replaying feature. However Schoof discloses this mechanism (see column 4). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cruickshank with the playback mode of Schoof. This modification would have improved the system's convenience by allowing an active conference participant to clarify details at anytime during an ongoing conference as suggested by Schoof (see column 4).

Claim 62 is rejected for the same reasons as claim 22.

Response to Arguments

11. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
March 15, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
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